

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

MARDY B. WILLIAMS, SR.,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:05-cv-1220-WKW
)	
NORMENT SECURITY GROUP, INC., <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

This matter is before the Court on the defendants Norment Security Group, Inc., Ted Arkuszeski, John Wood, and Burtice Bright's Motion to Dismiss Counts I, III and IV of Plaintiff's Complaint (Doc. #15). Under Fed. R. Civ. P.12(b)(6), defendants move to dismiss Count I for wrongful termination in violation of Title VII of the Civil Rights Act of 1964, against individual defendants Arkuszeski, Wood and Bright, and to dismiss Counts III for the tort of outrage and IV for negligent infliction of emotional distress against all defendants. Plaintiff Mardy B. Williams, Sr. has responded to the motion (Doc. #19), conceding that Count IV is due to be dismissed, but objecting to the dismissal of Count I against individual defendants and Count III against all defendants.

Upon careful consideration the case law governing Title VII actions against individual employees when the employer is a party, and the clear state of Alabama law with respect to the tort of outrage, the Court finds that defendants' motion to dismiss is due to be granted for failure to state a claim upon which relief may be granted. It is therefore ORDERED as follows:

- 1) Count I is DISMISSED as against defendants Ted Arkuszeski, John Wood, Burtice Bright and Shelby Doe with prejudice;

2) Counts III and IV are DISMISSED against all defendants with prejudice.

DONE this the 29th day of June, 2006.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE